



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED
9/2/2020

September 2, 2020

BY ECF and Email

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

CASE Adj to Nov. 12, 2020 at 2:15 pm.
Time excluded through Nov 11,
in the interest of justice, to
facilitate defendant's review of
discovery + plea discussions.

Re: United States v. Jose Rafael Nunez Duarte, a/k/a "Jose Javier Rivera Bernard,"
20 Cr. 329 (CM)

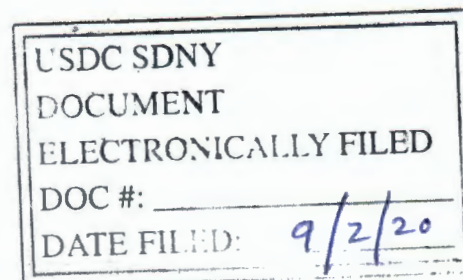
Colleen McMahon

Dear Chief Judge McMahon:

A conference is scheduled in the above-captioned matter for September 9, 2020. On June 29, 2020, the defendant waived indictment and was arraigned before Magistrate Judge Katharine H. Parker on one count of distributing and possessing with intent to distribute fentanyl and methamphetamine.

The parties have been engaged in ongoing discussions regarding possible pretrial resolution of this matter, as well as exchanges of information in furtherance of such discussions and of the defense's evaluation of potential pretrial motions. The parties respectfully request that the currently scheduled conference be adjourned for approximately 60 days to permit these discussions to continue, and to allow the defense additional time to review of discovery and evaluate potential motions.

In the event that the Court grants the requested adjournment, to the extent it is not already covered by standing orders of the Court, the Government respectfully requests that the Court exclude time under the Speedy Trial Act, from September 9, 2020 to the date that the conference is rescheduled for the reasons stated above. The Government submits that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).



I have spoken with defense counsel, who consents to the adjournment and exclusion of time.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: 
Brett M. Kalikow
Assistant United States Attorney
(212) 637-2220

cc: Mark Cohen, Esq. (via ECF and Email)